{deleted text} shows text that was in HB0295 but was deleted in HB0295S01.

Inserted text shows text that was not in HB0295 but was inserted into HB0295S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Steve Eliason proposes the following substitute bill:

DRIVING UNDER THE INFLUENCE MODIFICATIONS

2018 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Steve Eliason
Senate Sponsor:

LONG TITLE

General Description:

This bill modifies penalties for driving under the influence if the individual is also convicted for driving in the wrong direction during the same occurrence.

Highlighted Provisions:

This bill:

- ► {prohibits a plea to impaired driving if} increases the {individual was} penalty for driving under the influence {and} to a class A misdemeanor if the individual was also driving in the wrong direction on a freeway or controlled-access highway during the same occurrence; {
- increases the penalty for driving under the influence to a class A misdemeanor if the individual was also driving in the wrong direction on a freeway or controlled-access highway during the same occurrence;

- modifies ignition interlock requirements for an individual convicted of driving under the influence if the individual was also driving in the wrong direction on a freeway or controlled-access highway during the same occurrence;
 - modifies the definition of an alcohol restricted driver to include certain individuals convicted of driving under the influence while also driving in the wrong direction on a freeway or controlled-access highway;} and
 - makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-6a-503, as last amended by Laws of Utah 2009, Chapter 214

41-6a-518.2, as last amended by Laws of Utah 2016, Chapter 149

41-6a-529 (Superseded 12/30/18), as last amended by Laws of Utah 2008, Chapter 226

41-6a-529 (Effective 12/30/18), as last amended by Laws of Utah 2017, Chapter 283

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-6a-503 is amended to read:

41-6a-503. Penalties for driving under the influence violations.

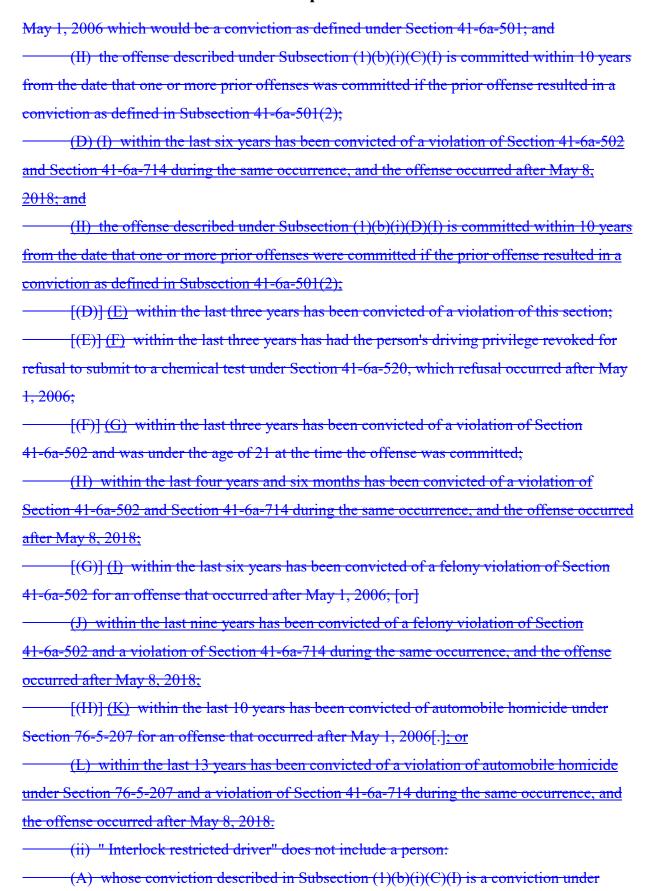
- (1) A person who violates for the first or second time Section 41-6a-502 is guilty of a:
- (a) class B misdemeanor; or
- (b) class A misdemeanor if the person:
- (i) has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
 - (ii) had a passenger under 16 years of age in the vehicle at the time of the offense; [or]
- (iii) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense[:]: or
 - (iv) at the time of the violation of Section 41-6a-502, also violated Section 41-6a-714.
 - (2) A person who violates Section 41-6a-502 is guilty of a third degree felony if:

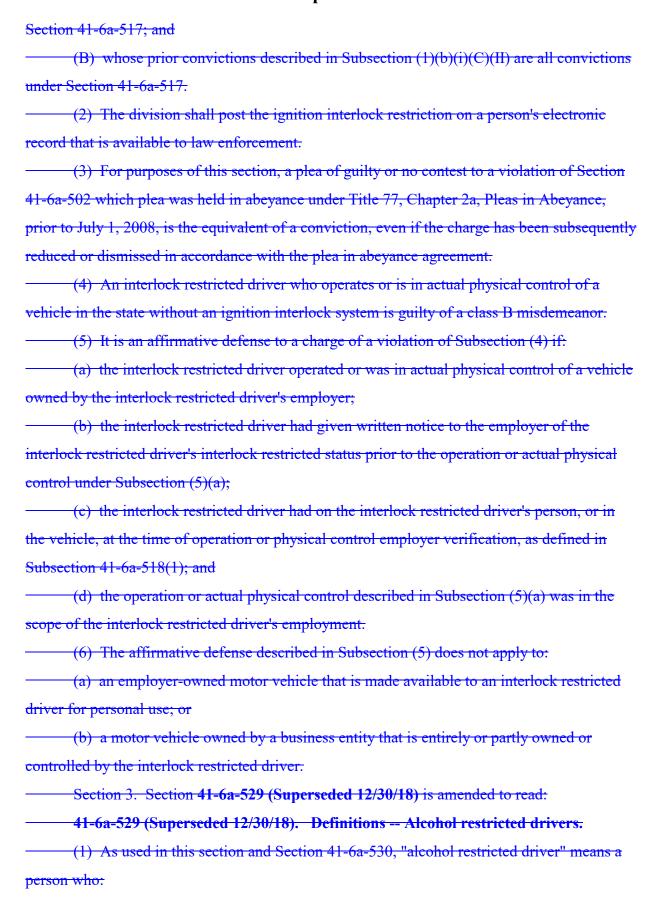
- (a) the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
- (b) the person has two or more prior convictions as defined in Subsection 41-6a-501(2), each of which is within 10 years of:
 - (i) the current conviction under Section 41-6a-502; or
 - (ii) the commission of the offense upon which the current conviction is based; or
 - (c) the conviction under Section 41-6a-502 is at any time after a conviction of:
 - (i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;
- (ii) a felony violation of Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or
- (iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of conviction is reduced under Section 76-3-402.
- (3) A person is guilty of a separate offense for each victim suffering bodily injury or serious bodily injury as a result of the person's violation of Section 41-6a-502 or death as a result of the person's violation of Section 76-5-207 whether or not the injuries arise from the same episode of driving.

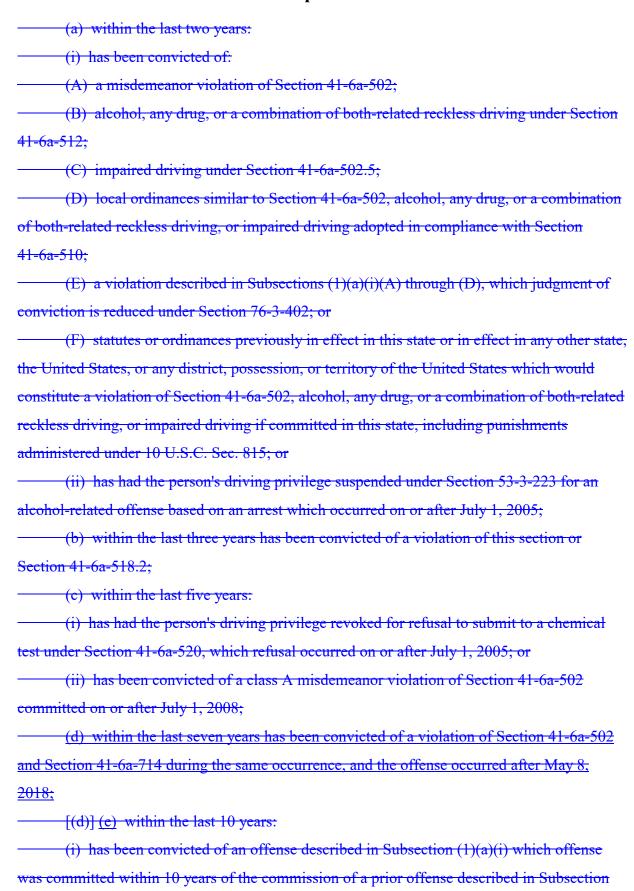
Section 2. Section 41-6a-518.2 is amended to read:

41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition interlock system.

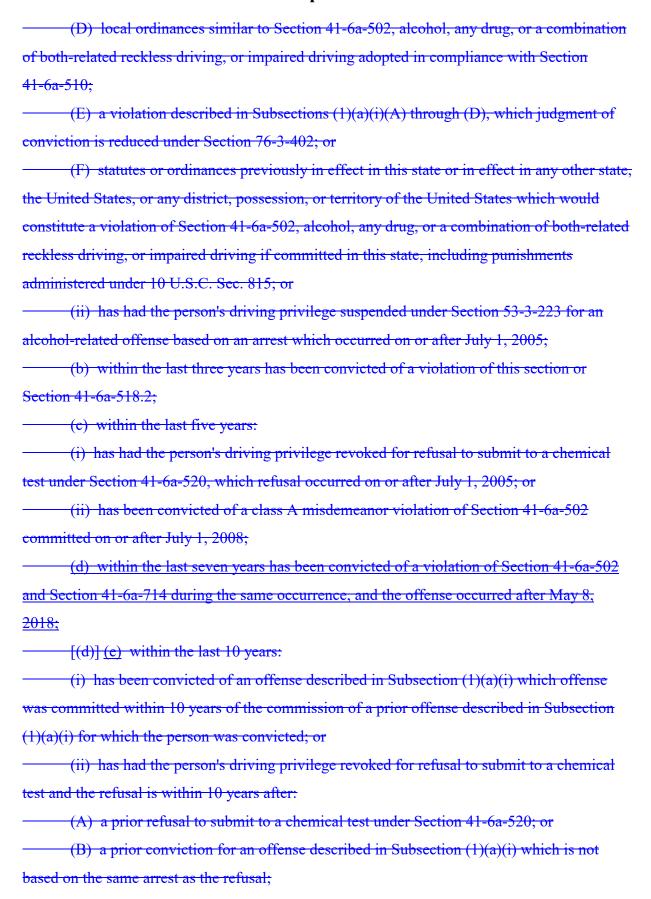
- (1) As used in this section:
- (a) "Ignition interlock system" means a constant monitoring device or any similar device that:
- (i) is in working order at the time of operation or actual physical control; and
- (ii) is certified by the Commissioner of Public Safety in accordance with Subsection 41-6a-518(8).
 - (b) (i) " Interlock restricted driver" means a person who:
- (A) has been ordered by a court or the Board of Pardons and Parole as a condition of probation or parole not to operate a motor vehicle without an ignition interlock system;
- (B) within the last 18 months has been convicted of a driving under the influence violation under Section 41-6a-502 that was committed on or after July 1, 2009;
 - (C) (I) within the last three years has been convicted of an offense that occurred after

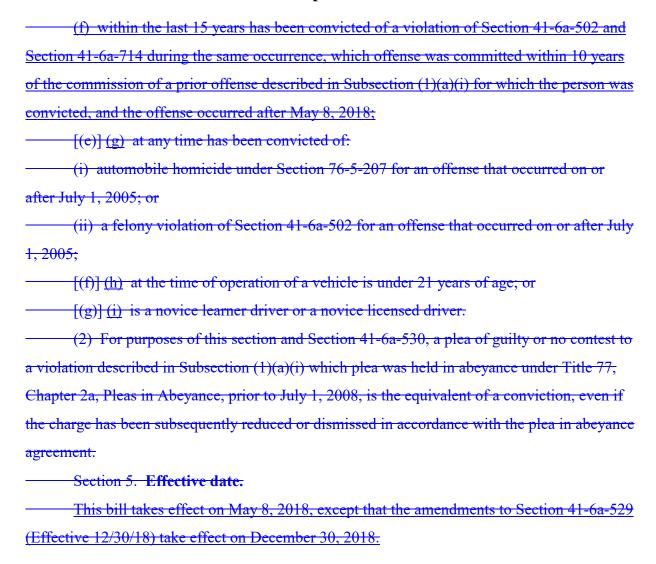






(1)(a)(i) for which the person was convicted; or
(ii) has had the person's driving privilege revoked for refusal to submit to a chemical
test and the refusal is within 10 years after:
(A) a prior refusal to submit to a chemical test under Section 41-6a-520; or
(B) a prior conviction for an offense described in Subsection (1)(a)(i) which is not
based on the same arrest as the refusal;
(f) within the last 15 years has been convicted of a violation of Section 41-6a-502 and
Section 41-6a-714 during the same occurrence, which offense was committed within 10 years
of the commission of a prior offense described in Subsection (1)(a)(i) for which the person wa
convicted, and the offense occurred after May 8, 2018;
[(e)] (g) at any time has been convicted of:
(i) automobile homicide under Section 76-5-207 for an offense that occurred on or
after July 1, 2005; or
(ii) a felony violation of Section 41-6a-502 for an offense that occurred on or after July
1, 2005; or
[(f)] (h) at the time of operation of a vehicle is under 21 years of age.
(2) For purposes of this section and Section 41-6a-530, a plea of guilty or no contest to
a violation described in Subsection (1)(a)(i) which plea was held in abeyance under Title 77,
Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if
the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance
agreement.
Section 4. Section 41-6a-529 (Effective 12/30/18) is amended to read:
41-6a-529 (Effective 12/30/18). Definitions Alcohol restricted drivers.
(1) As used in this section and Section 41-6a-530, "alcohol restricted driver" means a
person who:
(a) within the last two years:
(i) has been convicted of:
(A) a misdemeanor violation of Section 41-6a-502;
(B) alcohol, any drug, or a combination of both-related reckless driving under Section
41-6a-512;
(C) impaired driving under Section 41-6a-502.5;





Legislative Review Note

Office of Legislative Research and General Counsel